1988
ANNUAL
REPORT

FARMERS' ADVOCATE

Alberta
AGRICULTURE

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Office of the Farmers' Advocate of Alberta

3rd Floor, J. G. O'Donoghue Building, 7000 - 113 Street, Edmonton, Alberta, Canada T6H 5T6 403/427-2433

February 15, 1989

Honourable Peter Elzinga
Minister of Agriculture
324 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Sir:

I have the honour of presenting the Annual Report of the Farmers' Advocate of Alberta for the period January 1, 1988 to December 31, 1988.

Respectfully submitted,

Clifford W. Downey
Farmers' Advocate of Alberta

OFFICE OF THE

FARMERS' ADVOCATE OF ALBERTA

1988

ANNUAL REPORT

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INTRODUCTION

The office of the Farmers' Advocate of Alberta, reporting directly to the Minister of Agriculture, is attached to the Department of Agriculture and is located in Room 305 of the J.G. O'Donoghue Building, 7000 - 113 Street, Edmonton, Alberta. All necessary office supplies are requisitioned and the annual budget submitted through this Department.

This report provides a resume of our activities. It also provides an opportunity to express our appreciation, through the Minister, to other Departments and Agencies of the Government for assistance they have provided. The cooperation received from those in the private sector with which we are involved is appreciated, as is the valuable support from the provincial news media.

In addition, we attempt to detail the workings of the office, to delineate and provide some synoptic illustrations of the many cases we have dealt with during the past year.

JURISDICTION

The Farmers' Advocate of Alberta has two primary functions:

Firstly, to investigate and solve problems and act as mediator in disputes which involve farmers and other segments of society.

Secondly, to act in an advisory capacity. Based on past experience and drawing from a knowledge base that is constantly being updated, we are in a position to advise farmers, or present to farmers alternative routes to follow in an attempt to settle their outstanding complaints.

In disputes of individuals with local government (rural municipalities, counties and improvement districts), we advance these complaints to the respective body and request information pertaining to these cases. If it is found by this office that the complaint is justified, we take measures to encourage the respective body to review the circumstances with us in attempt to find a solution to the problem. We are pleased with the cooperation that we have received from local government.

We do not involve ourselves in cases where the complainant retains the services of a lawyer and withdraw from any case where the complainant subsequently retains legal service. With these exceptions, we attempt to mediate between two opposing parties with the aim of reaching an out-of-court settlement. Although farmers may have a legal remedy, litigation in many cases is far too expensive, too time consuming, and too mysterious and uncertain a procedure for all but a handful of farmers to pursue to a successful conclusion.

Therefore, we stress private negotiation between two opposing parties, always stressing an appreciation and understanding for the position taken by the other side.

GENERAL COMMENTS

The year 1988 was a busy one for the Farmers' Advocate's office, with cases not related to oil and gas activity equalling, or even exceeding, energy related cases.

In the energy area, complaints against the seismic industry outnumbered those related to drilling activity. Slow payment of permitting fees to landowners was a major problem, with general carelessness in their operations on the land and failure to follow the terms of the agreement coming a close second.

Water Well Restoration or Replacement Program applications were up substantially in 1988. However, costs to the program did not rise correspondingly because of farmers' participation in the Alberta Water Supplies Assistance Program and the ongoing Prairie Farm Rehabilitation Administration farm well program. The evidence mounts of the loss of the integrity of the various potable water aquifers in the province. The great weather variation between northern and southern Alberta this past year had its effect on the nature of our cases. Disputes ranged from those centered on the division of an inadequate water supply to drainage cases where too much water was the problem.

Financial difficulties encountered by some small oil and gas producers led to many inquiries on the "How to" of collecting delinquent annual compensation payments on well sites.

In December of 1988, an Alberta Appeal Court decision overturned an Alberta Assessment Appeal Board order resulting in increased clarification in matters pertaining to municipal assessment of well sites and related facilities. The judgement of this Appeal Court reinforced the judgement of the Farmers' Advocate that surface leases (well sites) should only be assessed on the basis of the adjacent land which, in most cases, is farmland.

Several jurisdictions in the province had assessed sites that had gone beyond a well site (e.g. battery site or compressor site) on a commercial basis. The Farmers' Advocate's office did not believe this appropriate considering the nature of the original taking.

Quite a number of disputes arising over the purchase and/or repair of used equipment were encountered this year. Since only new machines and their warranty fall under the purview of the Farm Implement Act, it is understandable that many used equipment disputes come to our attention. Looking at statistics, very little new equipment had been sold in Alberta over the past five or six years, with the exception of the past six months, a fact borne out by the vastly reduced numbers of machine dealerships.

GENERAL COMMENTS - CONTINUED

A number of livestock complaints were handled. Usually, these are referred to the Regulatory Services Branch of Alberta Agriculture's Animal Industry Division. Noteworthy is the fact that many requests have been made to the office to use our influence to effect a reestablishment of the R.C.M.P.'s Livestock Investigation Unit, which was dismantled several years ago.

Of paramount concern to the office was the large number of cases we were involved in during the last half of 1988 that centered around objections to intensive livestock operations, chiefly hog operations.

Typical of our response in these situations is for our office to arrange an inspection and meeting with the owner. In most cases waste management specialists from Alberta Agriculture and Alberta Environment are also involved. Waste management specialists working with the operator, if a problem is evident, endeavor to familiarize him, and gain his acceptance, of acclaimed industry practice.

Unfortunately, in a good number of cases, while the livestock operations' practices are quite acceptable and the operation conforms with all relevant laws, the neighbors still object to what they consider to be the unacceptable nuisance associated with the facility. In many of these cases, the neighbor complainant was also a farmer.

It is obviously desirable that priority research be directed into better economically viable methods of handling livestock waste. However, if farmers don't show greater solidarity and willingness to accept the normal problems and nuisances of agriculture amongst themselves, then they can expect a snowballing effect in the number of problems they encounter with other groups in society that would seek major changes from the status quo.

The Farmers' Advocate's office participated in an interdepartmental committee dealing with a model livestock siting and land use by-law. Hopefully, this is an area in which common sense will prevail in view of the vital contribution animal agriculture makes not only towards the provinces economic vitality but also to the conservation and maintenance of our soils.

Reference should also be made to the attempt to defraud the Unemployment Insurance and Income Tax Departments which was brought to our attention by a District Agriculturist. Our office pursued this case with the result that charges were laid by the R.C.M.P. against an Ontario resident. Most credit goes to the diligence of the District Agriculturist that brought this matter to our attention.

SURFACE RIGHTS

The number of surface rights related complaints have remained at a level similar to last year, although inquiries have increased. Most of the inquiries have been initiated in areas of the province where drilling and pipeline activity is heaviest.

One problem that is a constant source of concern for the Farmers' Advocate is the increasing number of companies failing to make annual compensation payments to landowners. Our office continues to advise landowners of remedies available under Section 39 of the Surface Rights Act which states:

> 39 (1)When an operator fails to pay, within 30 days following the day on which it was due, any money under a compensation order or surface lease, the person entitled to receive the money may submit to the Board evidence of the failure.
>
> (2) When the evidence submitted is satisfactory in the opinion of the Board with respect to the failure to pay, the Board may direct the Provincial Treasurer to pay out of the General Revenue Fund the amount of money to which the person is entitled.
>
> (3) If the Provincial Treasurer pays money to a person under subsection (2), the amount paid thereby constitutes a debt owing by the operator to the Crown.

Hopefully, this trend will be reversed in light of increased revenues for oil which should result in healthier cash flows for companies.

The oil and gas industry presented a position paper on surface rights to legislators in an attempt to effect changes to the Surface Rights Act. An informal meeting, called by our office, was held with representatives of agriculture and industry to discuss the proposed amendments. We also attended a meeting with the E.R.C.B to explore issues, under their jurisdiction, which were addressed in the position paper. Further meetings are anticipated to explore areas of mutual concern and to find ways or means to effect changes that are beneficial to both. At this writing the E.R.C.B. has introduced changes to streamline procedures associated with location disputes.

SURFACE RIGHTS - CONTINUED

We have been informed by the power companies that everyone eligible for annual compensation will be contacted by mid 1989. Not all landowners contacted and offered annual compensation are completely satisfied with the amount offered, however, many are accepting reluctantly. Payments are generally made retroactive to 1985 when the change to the Act came into force. The offer of retroactive payments may not be available to those landowners who apply to the Surface Rights Board to settle their compensation disputes.

Two court decisions were brought down during the latter part of the year which were favorable to the agriculture sector and affords them the protection the statutes of Alberta intended.

The first case, Cabre Vs Arndt, was an appeal from a ruling by the Court of Queen's Bench and subsequent to their consideration of a decision by the Surface Rights Board, in regard to the awarding of costs as allowed under Section 26 of the Surface Rights Act. The company was attempting to gain relief from paying costs which it was forced to pay to the landowner when he appeared before the Surface Rights Board. The hearing was the result of a Right of Entry Order granted to the company to work its minerals.

The company's argument was based on Section 15(1) of the "Charter of Rights and Freedoms"

> 15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Fortunately, and to the relief of the farm community, the challenge to Section 26 was quashed by the courts.

The Court of Appeal held to the opinion the company (Cabre) and the defendant (Arndt) were not equal under the "Charter".

The second case involved a municipality which was assessing land used for upgraded oil facilities (gas plant, compressor site) as industrial land. The consequence of this action resulted in increased taxes assessed to the landowner. The land was used for facilities that were, in most cases, either placed there by private agreement or alternatively, by a Right of Entry Order. The municipality, when challenged on their assessment, had their action supported by an Alberta Assessment Appeal Board Order.

SURFACE RIGHTS - CONTINUED

A subsequent appeal was launched before the courts. Their decision in essence said, the improvement relating to production located on the land, other than the operating well, should not be assessed any differently than that of a well site. The rate of assessment shall not exceed the assessment of farm land adjacent to the land held under lease, license, or permit.

SEISMIC

Geophysical activity has increased throughout the province this year. As a result, there has been an increase in requests for our assistance in this area.

Judging by the telephone calls our office has received, especially in the latter portion of 1988, there seems to be an ongoing problem in the area of payments to landowners for access and damages by geophysical operators. In many cases payment schedules are not being met by the geophysical operators. Our office has been advised by these geophysical operators that there have been times when the oil companies, who have contracted the seismic program, have not forwarded their payments to the geophysical operator, so he in turn could pay the landowner on time.

In light of the continuing problem associated with late payments, our office recommends to landowners that they consider requesting payment from geophysical operators before allowing entry onto the land. Alternately, it is recommended that contractual provision be made for interest payments or penalties of some kind.

There have been some problems arising from operations concerning open holes and contamination to water aquifers. These problems have, with the cooperation of the geophysical branch of Alberta Forestry, Lands & Wildlife and the companies involved, been resolved to the satisfaction of the effected landowners in most cases.

The Association of Geophysical Operators continues to support our office in its continuing education program to make landowners more aware of their rights and responsibilities in regard to seismic operations.

MINERAL RIGHTS

Complaints have remained similar to past years, but the number of inquiries have increased. There were no complaints from mineral owners who have oil rights, but that is understandable considering the small percentage of these owners relative to those who own the rights to gas.

The main issue of costs deducted from mineral royalties, of owners who have gas wells in production, continues with no less frequency than in previous years.

Many energy producers queried by our office, have indicated a formula is generally used for deductions to freeholders similar to that used for crown royalties, known as Gas Cost Allowance (G.C.A.).

The major inequity in this application however, is that on average, the Crown receives twice as high a royalty rate as the freeholder and furthermore, the Crown has a built-in limit on the percentage of G.C.A. that can be applied against revenue. No such protection exists for the freeholder.

Freehold mineral owners are, in general, misinformed and unsophisticated on matters of mineral leasing. It is difficult for them to organize into an effective bargaining group for two reasons. Firstly, they are a group with no means of identifying those of common interest as no complete lists of mineral owners has been compiled or made available, to our knowledge. Secondly, at any given time, probably 95% of these properties are under lease agreements which effectively negates any possibility of them effecting a change in their situation.

Recently a mineral lease was taken by an energy producer which included a clause that gave protection to the mineral owner. It limited the amount or maximum, that could be deducted from royalty production for G.C.A.

Another mineral owner, who was already having substantial amounts deducted from his royalty revenues, received an additional statement at the end of the fiscal year requesting payment of several thousand dollars. The total amount charged for G.C.A. exceeded the royalty revenues from the production of the gas well. What should have been an asset to the mineral owner, has in fact, become a liability. He has since applied to the Public Utilities Board (P.U.B.) for relief or reduction of cost. The application was accepted under Section 10 of the Gas and Utilities Act.

MINERAL RIGHTS - CONTINUED

At the time of this writing, proceedings to the Board are being held in abeyance pending further negotiations between the company and the mineral owner. In the event an agreement cannot be reached, the mineral owner may proceed to the P.U.B. in the hope of gaining some relief in costs deducted from royalty revenues. Other mineral owners who find themselves in a similar situation may also apply to the Board.

Our office is currently giving consideration to developing a series of articles to be published throughout the province. Mineral matters will certainly be a major focus, as will other topics that are of interest to rural Albertans.

RURAL MUNICIPALITIES

Our office has continued to have a good working relationship with the municipal governments in the province. We are proud of the confidence which the municipalities have shown in our office as demonstrated by their willingness to abide by our recommendations.

The Farmers' Advocate will continue to mediate when requested by either local government or ratepayers. It will continue to draw on its many years of experience in this area.

AGRICULTURAL OPERATION PRACTICES ACT - ONE YEAR LATER

In the year 1988, there came to the Farmers' Advocate's office more cases centered on objections to intensive livestock operations than there occurred in the entire life of the office going back to its inception in 1973. Predominant were complaints centered on nuisance factors associated with lagoon manure storage. Most operations were operating within the guidelines of generally accepted agricultural practice and were in compliance with provincial and municipal statutes.

Notable is the fact that some municipal land use by-laws relating to livestock siting issues do not parallel those of the provincial Public Health Act. A prime example is one where a municipal district's by-laws specify that if an intensive livestock operation is not in use for a period exceeding six months, it cannot begin operation again until a permit is re-issued after objections, if any, are heard.

The Public Health Act, on the other hand, specifies two years as the period of time elapsed before re-permitting is necessary.

Very unfortunate results can and have occurred for financial institutions, estates, even on some intergenerational farm transfers. For example, the value of a $500,000.00 hog barn can disappear if it remains vacant longer than the prescribed time, coupled by strong objections from neighbors. The result in this situation may be that the permit to operate will not be re-issued.

As this report goes to print, no lawsuits have been initiated against livestock owners, to our knowledge. The fact that this has not happened to date is, we believe, largely due to the passage of the Agricultural Operation Practices Act in 1987.

FARM ORGANIZATIONS

We wish to thank the many farm organizations in the province for their cooperation over the past year. We have attended annual and semi-annual meetings of several major farm organizations in the past year as well as those of the Alberta Association of Municipal Districts and Counties.

Past experience has shown that this personal contact with the membership is vital in keeping abreast of farm problems and issues.

Many times our personal contact with the membership has proved invaluable in the resolution of subsequent disputes.

Notable in the past year has been the improved relationship between some farm organizations in the seeking of resolutions to their common problem. More tolerance in accepting divergent views has been noted.

FARM EQUIPMENT

The Farmers' Advocate has been receiving numerous complaints from farmers concerning farm equipment problems not handled under the mandate of the Alberta Farm Implement Act.

Increased problems are resulting from the purchase of used implements that are misrepresented as to their condition. There are also cases in which registered liens have not been cleared, parts supply has been inadequate and both verbal and written warranties have not been honored.

We have been able to assist farmers in most cases to resolve their difficulties.

FINANCE AND THE FARM

The Farmers' Advocate did not receive as many financial complaints this year as in previous years. A greater number of farmers and financial institutions appear to be reaching a solution to their problems than has been the case in past years. However, we did assist with negotiation and mediation, when requested.

INSURANCE AND THE FARM INDUSTRY

Farmers are unwittingly purchasing insurance policies which do not offer them the protection that they expect. Farmers generally depend on their local agents to obtain a policy which covers all possible conditions that might arise in case of emergency.

Most insurance companies produce a standard policy to which riders may be added to give a farmer the specific protection he seeks. Farmers should comparison shop, not just for the best price, but for the best protection. The insurance industry is very sophisticated. The industry offers a very extensive range of coverages, but not all companies offer coverage for every contingency. In some cases only one company may be in the market to insure specific losses. While in other cases, companies may specialize in certain kinds of property (e.g. poultry, breeding stock, exotic animals).

It is too late to complain to your agent, or the adjuster of the insurance company, after a disaster when it is found that the coverage was incomplete.

We have, in many cases, negotiated settlements with adjusters and insurance companies on behalf of the farmer after a loss, on the basis that the coverage was ambiguous. However, the office has by no means satisfied all of those who brought insurance disputes to our attention.

As in the past, we would recommend farmers discuss policies with their insurance agents so they clearly understand the protection they obtain for their premium dollar.

ALBERTA HAIL AND CROP INSURANCE - CANADA ALBERTA FORAGE INSURANCE PROGRAM

Complaints in this area have centered mostly on the operations of the Forage Insurance Program. Many farmers were not able to understand the method, or the factors, irvolved in the calculation of their payment under the program.

A typical question from producers in the south east of the province was, "we had no snow last winter, one or two inches of rain from April to August, if that doesn't trigger 100% payout, what does".

Appreciating the experimental nature of the program, the office arranged for a group of producers to meet with Alberta Hail and Crop personnel to obtain a clearer understanding of the program.

One such meeting in the Duchess area, attended by a retired dry land range specialist from Agriculture Canada, resulted in some resolutions being passed by those present. The resolutions may prove worthy of consideration in the future operation of the program by Alberta Hail and Crop Insurance Corporation.

WATER WELL RESTORATION OR REPLACEMENT PROGRAM (WWRRP)

This program continued unchanged from previous years with the number of applicants rising slightly. Noteworthy was the fact that the average amount of monies applied for by the applicants increased sharply. In all likelihood, this occurred because of the increased demand for water well drillers in the province since the inception of the Alberta Water Supplies Assistance Program.

There is no doubt, from the point of view of the Farmers' Advocate's office, that the various farm water supply enhancement programs initiated by the provincial government in the past two years has added immeasurably to the stability of water supplies in rural areas.

For the benefit of those unfamiliar with the WWRRP, the guidelines are reprinted as follows:

WATER WELL RESTORATION OR REPLACEMENT PROGRAM

1. Before an application can be submitted under this program, the applicant must endeavour to contact the geophysical or oil company to attempt settlement of the alleged damages.

2. If the applicant is unsuccessful with the company, and believes the alleged damages were caused by:

   (a) seismic exploration, contact the Department of Forestry, Lands and Wildlife, Land Management and Development Branch, Exploration Inspections and Investigations Unit, 4th Floor, South Tower, Petroleum Plaza, 9915 - 108 Street, Edmonton, Alberta, T5K 2C9. Telephone Number: 427-3932.

   (b) oil or gas exploration, contact the Energy Resources Conservation Board office
   in Edmonton: Telephone Number: 427-0200
   or Calgary: Telephone Number: 297-8311.

   The appropriate department will carry out an investigation and take the necessary action with a subsequent report to the Water Well Restoration or Replacement Committee.

3. This program is designed to make partial or full payment only on those direct costs that have been incurred with the restoration or replacement of a water well. Therefore the applicant must include all receipts for works completed with the application.

WATER WELL RESTORATION OR REPLACEMENT PROGRAM - CONTINUED

4. The applicant must be prepared to attend and present evidence at a Water Well Restoration or Replacement Program Committee hearing which will be held in the applicant's area. The Committee consists of the Farmers' Advocate, who acts as Chairman, the Chairman of the Agricultural Development Committee, as well as a technical representative from the Department of Environment, Hydrogeology Branch, Earth Sciences Division. From time to time the Committee members will designate alternate members.

5. Following the hearing, the Committee will forward the results of their decision, if in the affirmative, to the E.R.C.B. for payment to the applicant.

   All payments awarded under this program are ex gratia. They are of a gratuitous nature and not made due to any legal obligation. Consequently, the decisions under this program are final and not subject to appeal.

6. Any inquiries regarding this program should be directed to the Farmers' Advocate Office, 305, 7000 - 113 Street, Edmonton, Alberta, T6H 5T6. Telephone Number: 427-2433.

   NOTE: This program commenced on April 1, 1987. Applications will not be accepted for alleged damages which were detected prior to April 1, 1987. Applicants must submit their application within two years of occurrence of the alleged damages.

Water Related Cases

These cases continue to constitute a major area of activity for the office. When disputes occur between landowners regarding drainage, or even the withholding of water, the office relies on Alberta Environment for surveying and technical information. The Farmers' Advocate's office would like to express its appreciation for the excellent cooperation it has received from Alberta Environment in 1988.

The drought in the past year, in the south of the province, has again driven home the fact that there is little more precious in our environment than water. In the past year, the office has encouraged landowners to appreciate the work done by organizations like Ducks Unlimited or Bucks for Wildlife, in their water retention and habitat enhancement programs.

One has to give consideration to the thought that there may be no poor land in the province, only land that is used for those purposes for which it is <u>not</u> best suited.

LIVESTOCK PREDATOR INDEMNITY PROGRAM

The Farmers' Advocate acts as the appeal body for livestock owners who suffer livestock losses by predators and who, upon making application under the program, have their claim denied.

Rejected producers express much dissatisfaction with the program. One reason for dissatisfaction is that death by predators is difficult to prove. The difficulty in proof exists for two reasons:

1. That most producers under farm and range conditions do not have a daily check on animals.

2. That a carnivore will consume the carcass before discovery by the producer; or if the carcass is not totally consumed, decay hastened by hot summer weather will make an autopsy almost impossible in a very short time.

On occasion, it is nearly impossible for the Predator Indemnity Committee or the Farmers' Advocate's office to separate cases of cheating or negligence from legitimate predator losses.

In the past year cases handled by the office have largely centered on losses by coyotes, foxes or dogs. Fewer cases than other years have involved bears or wolves.

RURAL CRIME WATCH

Rural Crime Watch experienced a successful year in 1988 with the Annual Provincial Workshop being hosted by the Stony Plain Rural Crime Watch Association in late February.

The 1989 Annual Workshop will be held this year in St. Paul, Alberta on the last weekend in February with the Greater Lakeland Rural Crime Watch Association hosting the event. Noteworthy is the fact that the Deputy Prime Minister of Canada will be the keynote speaker at the gathering.

In areas of the province where crime and vandalism have not been a problem, Rural Crime Watch Associations report difficulties in maintaining membership roles.

An extremely successful group in the province was observed by our office to have a community organization comprised of three elements, Rural Crime Watch Association, Surface Rights Association and an Environment Protection Association.

With this mix of interests the association is successful in maintaining membership on the basis that there is always activity in one of the three areas.

Rural Crime Watch Supplies - - signs, decals, etc. are warehoused at the Farmers' Advocate Office and orders are filled from here. The Alberta Cattle Commission bankrolls the inventory of supplies and handles all financial affairs.

A Rural Crime Watch group or member wishing to order supplies will send his order and money to the Alberta Cattle Commission. The Commission will then send us the order which will be filled from our Office.

My office wishes to thank the R.C.M.P. and the Solicitor General's Office for their cooperation and assistance.

CASE FILES AND FINAL DISPOSITION

WELLS-PIPELINES

Payment requested from company for surface lease agreement	Unable to Assist
Dispute with company regarding inaccessible location	Information Provided
Rocks left when lease site clean-up was done	Information Provided
Requires information for procedure regarding surface lease	Information Provided
Rental discrepancies from original surface lease	Assistance Provided
Off lease travel on hay land	Assistance Rendered
Company didn't bury rocks properly	Information Provided
Pipeline abandonment - land not restored properly	Assistance Rendered
Non-payment of lease rental	Referred to Dept. Concerned
Requests interpretation of two surface leases	Information Provided
Seeks compensation for crop loss from pipeline installation	Rectified
Objects to above ground structures on right-of-way	Information Provided
Concerned that a third party owns the surface rights	Unable to Assist
Dispute with company regarding the fencing of the well site	Assistance Rendered
Wants abandoned pipeline removed from property	Information Provided

WELLS-PIPELINES - CONTINUED

Area residents concerned over proposed sour well	Required litigation
Requests assistance in negotiating with oil company	Information Provided
Problems with company regarding pipeline on swampy land	Information Provided
Surface lease annual rental not received	Referred to Dept. Concerned
Company wrongfully deducted monies from annual compensation	Assistance Rendered
Problem with company regarding a pipeline project	Assistance Rendered
Would like increase in lease payment on gas well	Referred to Dept. Concerned
Have not received compensation from company	Assistance Rendered
Objection to proposed oil well sites	Information Provided
Refuses to sign release for pipeline project until company adds clause stating it is six feet below ground	Assistance Rendered
Feels well site not in proper place	Assistance Rendered
Company has not paid oil well rental	Assistance Rendered
Company caused damage to fence	Under Investigation
Concerns regarding his surface lease	Assistance Rendered
Trying to collect damages from company for a pipeline right-of-way	Assistance Rendered
Dispute with companies for putting pit run over access road	Rectified
Concerned about gas leaking from well; also crop loss	Assistance Rendered
Concerned regarding an oil plant proposal in the area	Information Provided

WELLS-PIPELINES - CONTINUED

Not satisfied with reclamation done at well site	Assistance Rendered
Questioning the use of well site by oil company	Information Provided
Pipeline site requires additional levelling and requests payment of damages	Under Investigation
Requesting information on a share in an oil lease purchased in 1954	Information Provided
Proper reclamation was not done on completion of pipeline	Inspection to Follow
Lease rental owing from company	Referred to Surface Rights Board
Has not received annual compensation	Information Provided

POWERLINES

Seeks information regarding a powerline on his property	Information Provided
Feels he was overcharged by company for moving powerlines	Assistance Rendered
Opposed to company's proposed powerline	Assistance Rendered
Unhappy with company's offer regarding an amending agreement	Unable to Assist

HIGHWAYS, ROADS

Other companies using roadway without consent	Information Provided
Concerned about oil tanker traffic and dust on road	Assistance Rendered
Concerned about the County's plan for road	Assistance Rendered
Wants local mountain road re-opened	Unable to Assist
Dispute with company regarding damages and crop loss	Assistance Rendered
Dispute with Municipal District over order issued to remove rocks from road allowance ditches	Assistance Rendered

MINERAL RIGHTS

Unhappy with Gas Cost Allowance deductions	Information Provided
Wants information on mineral rights	Information Provided
Not receiving royalty payments	No Jurisdiction
Receiving poor treatment from Dome on mineral lease	Negotiations Proceeding
Unhappy with the possibility of deductions for legal fees from trust agreement	Assistance Rendered
Objection to additional processing fees	Negotiations Proceeding
Payments for mineral rights have not been received since July, 1987	Negotiations Proceeding
Concerned about increased processing fees applied to his freehold royalties	Negotiations Proceeding
Inquirying as to mineral rights on railway right-of-way	Assistance Rendered

SEISMIC

Difficulty collecting compensation from land company	Information Provided
Breach of contact by company	Required Litigation
Seismic right-of-way cut line not done according to original contract	Under Investigation
Seismic company took down fences to access pasture allowing cattle to enter neighbor's crops causing heavy damage	Required Litigation
Seeking payment from insurance company for loss of horses let out by seismic company	Assistance Rendered
Requires assistance reaching damage settlement with land company	Assistance Rendered
Seeks assistance in having company plug the holes they drilled	Referred to Dept. Concerned

TRESPASS

Feels oil company wrongly using his land to access valve site	Assistance Rendered
Claiming trespass and damages against telephone company	Referred to Dept. Concerned

FINANCIAL PROBLEMS

Dispute with financial institution over their farm	Assistance Rendered
Financial institution asked him to vacate farm	Unable to Assist
Rate of interest too high on equipment contract	Information Provided
Dispute with financial institution on loan arrears	Referred to Dept. Concerned
Dispute with financial institution over account being in arrears	Assistance Rendered
Dispute with oil company over lease agreement	Unable to Assist
Withheld payment of 15% from contractor on irrigation project	Assistance Rendered
Has not received royalty payments from company since January, 1988	Ongoing
Has not received royalty payments since January, 1988	Ongoing
Dispute with utility company regarding collection of debt involved with bankruptcy	Resolved to Complainant's Satisfaction
Dispute with auction and feeder association over monies owing to him	Not Justified
Protesting tax classification change to "non-farmer" which increased taxes	Assistance Rendered
Dispute with financial institution over over home quarter	Assistance Rendered
A lien attached to their truck delayed the process of a loan, which caused financial hardship	Assistance Rendered
Financial problems with credit union over truck loan	Assistance Rendered

FLOODING, DRAINAGE

Slough flooding his land due to road built by town	Information Provided
Requests well site inspection regarding flooding problems	Unable to Assist
Problems with Municipal District over trench that is causing substantial damage to field	Not Justified
Difficulty with Alberta Environment regarding drainage of slough	Issues Under Dispute Presently Resolved
Neighbor has blocked creek and cut new creek bed without a permit	Ongoing
Adjacent ditch draining onto his property creating problems	Under Investigation
Concerns about a project being constructed for drainage and water management	Assistance Rendered
Neighbor's water channeled to his property creating flooding problems	Ongoing

HAIL, WIND, POLLUTION

Neighbor dumping sewage into creek	Assistance Rendered
Complaint regarding water supply pollution in dugout	Information Provided
Wants additional compensation for barn destroyed by tornado	Not Justified
Concerned about seepage from pit dug for oil rig effluents	Assistance Rendered

GROUNDWATER (WATER WELLS)

Water well failure	Information Provided
Feels he is not liable for costs for two dry holes that were drilled	Information Provided
Water well failure	Unable to Assist
Problems with livestock well from drilling done in December, 1986	Required Litigation
Water well produces a substantial amount of silt when pumping	Required Litigation
Feels he is being overcharged for drilling of new well	Information Provided
Problems with quality and quantity of water in well	Information Provided

LIVESTOCK

Who is responsible for bull which escaped from overnight pen at a market	Information provided
Claims pigs are dying from the feed	Information Provided
Seeks payment for cow shipped to market	Referred to Dept. Concerned
Poultry loss due to mechanical problem with fan	Information Provided
Cattle loss due to gas plant explosion	Assistance Rendered
Objection to neighbor's hog operation	Assistance Rendered
Problems regarding the legality of their hog operation	Assistance Rendered
Appealing Board of Health's decision to reduce his pig numbers	Information Provided
Bull shot by campers	Required Litigation
Stop Work Order issued by the Municipal District	Rectified
Going before the Municipal District Appeal Board regarding objections to his application for a new hog barn	Assistance Rendered
Objections being raised to his permit for an extension to his hog barn	Assistance Rendered
Neighbors have appealed his permit to add a lean-to for his hog operation	Assistance Rendered
Problem with Board of Health regarding poultry operation	No Further Action
Loss of broiler chickens due to disruption of services by power company	Assistance Rendered
Calves taken and sold at auction market while in with neighbor's cattle	Assistance Rendered
Insurance company won't pay for hogs that suffocated	Assistance Rendered

LIVESTOCK - CONTINUED

Truck delivering their cattle involved in accident which caused loss of cattle	Required Litigation
Difficulties regarding cattle purchased from auction markets	Under Investigation
Complaint regarding neighboring hog operation	Ongoing

FENCES

Fence line dispute with neighbors	Assistance Rendered
Wants fence built around lease and access road	Abandoned
Problem with County under the Line Fence Act	Information Provided
Fence line dispute with neighbor	Information Provided

FARM MACHINERY

Failure and collapse of hopper bin	Information Provided
Concerns with resale of tractor	Assistance Rendered
Problems with dealer concerning tractor	Assistance Rendered
Problems with combine	Not Justified
Problems with combine	Information Provided
Problems with dealer regarding purchase of crawler tractor	Required Litigation
Wants settlement from dealer for problems with tractor	Rectified
Does not feel he should pay for repairs to combine	Assistance Rendered
Dissatisfied with purchase of used tractor	Assistance Rendered
Unhappy with delay on order of computer system for milk monitoring equipment	Under Investigation
Problems with motor which is no longer under warranty	Under Investigation
Feels repair to combine should be covered under warranty	Referred to Dept. Concerned
Combine damage because of seismic shot hole plug left on easement	Under Investigation
Problems with tractor and dealer	Under Investigation
Breakdown of combine	No Further Action

BUILDING PROBLEMS

Problems with steel roofing on building purchased in 1987	Under Investigation

GAS CO-OPS - PROBLEMS

Problems with gas co-op	Not Justified
Feels price of natural gas is too high	Referred to Dept. Concerned
Wants gas co-op to move pipeline, which they installed across his property	Assistance Rendered
Problem with gas co-op over line located 10' to 12' on farmer's property	Information Provided
Gas co-op using wire flags instead of wood lath, and digging with hoe instead of plough	Unable to Assist

GENERAL REQUESTS - PROBLEMS

Soil erosion damage	Information Provided
Charged rent for private rail crossing	Unable to Assist
Problem regarding canola contract	Unable to Assist
Dugout water causing problems with sprinkler system	Information Provided
Ad in newspaper across Canada regarding Canadian Government Farm Support Program	No Further Action
Opposed to proposed ski and recreation area	Information Provided
Dispute with Municipal District regarding installation of culvert	Assistance Rendered
Concerned about proposed recreational facility	Information Provided
Concerns about declining productivity of trapline	Information Provided
Feels entitled to compensation for cultivating land	Assistance Rendered
Inquiring if Crossing Agreement constitutes legal access to land	Assistance Rendered
Unhappy with grain co-op's volume discount policy	Referred to the co-ops public relation's department
Problem with Water Resources and neighbor regarding an oxbow in riverbed	Assistance Rendered
Seeks damages for crop loss due to chemical contamination	Information Provided
Acres of timber destroyed by railway fire	Assistance Rendered
Wants compensation for loss and damages due to fire caused by railway track repairmen	Under Investigation
Attempting to have license and quota reinstated by Egg & Fowl Marketing Board	Assistance Rendered
Problems with dealer over lease on tractor	Information Provided

GENERAL REQUESTS - PROBLEMS - CONTINUED

Fertilizer received was different product and price than originally ordered	Assistance Rendered
Problems with extended service contract purchased when truck was bought	Assistance Rendered
Loss of chickens due to vandalism	Under Investigation
Problems with grain company regarding grain purchase contracts	Unable to Assist
Problems with the Department of Environment regarding installation of culverts	Assistance Rendered
Concern about the fee structure for railway crossings	Assistance Rendered
Concern regarding price inflation of hay baler twine	Information Provided
Double taxation on battery site - oil company and landowner	Information Provided
Dispute with County regarding community well	Assistance Rendered
Dispute with Sewage Commission regarding reclamation of easement for sewer line	Information Provided
Concerned that financial institution selling land under market value; also lawyer charging interest on monies owing	Assistance Rendered
Crop loss caused by accidental spraying	Unable to Assist
Concerns regarding surface lease, noise control, wet area near spring	Under Investigation
Weed problem on railway right-of-way adjacent to his land	Assistance Rendered
Concern over financial institution paying farmer for fall work on leased land	Referred to Dept. Concerned
Concerns over liens placed on their land by oil company	Information Provided

GENERAL REQUESTS - PROBLEMS - CONTINUED

Wants to buy back from D.N.D. land sold for radar base	Unable to Assist
Concerns regarding proposed sweet gas plant in area	Assistance Rendered
Problem with scentless chamomile on leased land	Assistance Rendered
Seeking compensation from Indian Band for fire damage to fence	Unable to Assist
Wants compensation from Alberta Transportation & Utilities for sand removal and land disturbance, which occurred in 1965	Unable to Assist
Displeased with annual maintenance fee charged for replacement of irrigation system	Assistance Rendered
Problems with water supply for livestock	Under Investigation
Feels their power bills are too high	Information Provided
Seeking payment from bank for damages caused by fire on acreage owned by the bank	Under Investigation
Problems with coverage and compensation from Alberta Hail & Crop Insurance Corp.	Assistance Rendered
Caveat forbidding registration on land	Information Provided
Caveat placed by trust company forbidding registration on land	Information Provided
Problem with Alberta Hail & Crop Insurance Corporation	Under Investigation
Problems with Alberta Hail & Crop Insurance Corporation over coverage and alleged breach of contract	Unable to Assist
Copies of letters from numerous resident wanting more irrigated land available at reasonable prices	Referred to Dept. Concerned
Grain company refused to accept delivery of his grain at specified grade and did not return it to him	Assistance Rendered

GENERAL REQUESTS - PROBLEMS - CONTINUED

Requesting compensation for unpalatable meat hung, aged, and cut for them by a meat cutting service	Assistance Rendered
Requests assistance in obtaining grain markers	Assistance Rendered
Requests information on grant of easement for pipeline	Information Provided
Wants land returned to him that was awarded to his former wife in a court decision	Information Provided

SOURCE OF WRITTEN COMPLAINTS BY LOCATION

ACME	1	EDMONTON	11
ALDER FLATS	1	ECKVILLE	2
ASHMONT	1	EDGERTON	1
ATHABASCA	2	EDSON	1
BARRHEAD	3	EGREMONT	2
BASHAW	1	ELKPOINT	1
BEAUVALON	1	ETZIKOM	1
BEAVERLODGE	1	EVANSBURG	2
BEISEKER	1	FORT MCMURRAY	1
BLUESKY	1	FORT VERMILION	1
BLUFFTON	1	FALHER	1
BON ACCORD	2	FAWCETT	1
BONANZA	1	FERINTOSH	1
BOW ISLAND	1	FOREMOST	1
BOWDEN	2	FORESTBURG	1
BRUDERHEIM	1	GIBBONS	1
BURDETT	1	GRANDE PRAIRIE	1
CADOGAN	1	GRASSLAND	1
CALGARY	6	GRASSY LAKE	2
CAMP CREEK	1	GRIMSHAW	1
CAMROSE	1	GUNN	2
CARBON	1	GUY	1
CARSTAIRS	2	HANNA	1
CESSFORD	1	HARDISTRY	1
COCHRANE	1	HAYS	1
CORONATION	2	HAYTER	1
COUTTS	1	HIGH LEVEL	1
CROOKED CREEK	1	HIGH PRAIRIE	3
DAYSLAND	1	HOTCHKISS	1
DELBURNE	1	HUGHENDON	1
DRAYTON VALLEY	2	HYTHE	2
DRUMHELLER	1	INNISFAIL	2

SOURCE OF WRITTEN COMPLAINTS BY LOCATION - CONTINUED

INNISFREE	1	ST. PAUL	3
IRMA	1	SEXSMITH	1
JENNER	1	SHERWOOD PARK	1
LACOMBE	1	SKIFF	1
LAMONT	1	SMITH	1
LEDUC	1	SMOKY LAKE	1
LITTLE SMOKY	1	SPEDDEN	1
LOMOND	1	SPIRIT RIVER	1
LOOMA	1	SPRUCE GROVE	1
MANNING	2	STAVELY	2
MANNVILLE	1	STETTLER	3
MARKERVILLE	1	STONY PLAIN	1
MARWAYNE	1	SUNDRE	1
MEDICINE HAT	4	SWALWELL	1
MILLET	2	TABER	4
NANTON	1	TEES	1
OLDS	3	THORHILD	1
OYEN	1	THORSBY	2
PEERS	1	THREE HILLS	1
PINE LAKE	1	TROCHU	2
PONOKA	2	TULLIBY LAKE	1
PRIDDIS	1	TURIN	1
PROVOST	1	TWO HILLS	2
RED DEER	3	VALLEYVIEW	1
REDCLIFF	1	VAUXHALL	2
RIMBEY	4	VERGREVILLE	2
ROCHESTER	2	VERMILION	3
ROCKY RAPIDS	1	VIKING	2
ROCHFORT BRIDGE	1	VULCAN	1
RYLEY	2	WAINWRIGHT	3
ST. LINA	1	WANHAM	1

SOURCE OF WRITTEN COMPLAINTS BY LOCATION - CONTINUED

WARBURG	3	WINFIELD	1
WETASKIWIN	2	WOKING	2
WESTEROSE	1	OUT OF PROVINCE	2

CASE SUMMARIES

The following cases are a sampling of the problems that farmers present to our office each year.

These cases were initiated by written complaints, however, a great many cases handled by our office are originated by a telephone call.

1.

A farmer contacted the Farmers' Advocate's office in relation to a statement of account owed to a power company.

The farmer purchased a house located approximately 150 miles from his home. He then engaged a mover to accomplish the task of moving the house to his home farm. The move entailed passing through two power company areas and required the lifting of lines, etc. The resulting bill received by the farmer, from the power company, revealed that the company that had lifted the least number of lines had billed substantially more than the other company.

Our investigation revealed that the company charging the greater amount had sent a large crew out to the job, believing the house to be four feet higher than it was. Further inquiries indicated that the power company personnel had told the farmer the house was too high. The farmer then removed the chimney, reducing the height by four feet. The company, believing the chimney was still on, sent extra crew.

The case was mostly a situation of poor communication between the farmer and the company.

In our last contact with the farmer, he indicated the power company had offered to reduce his bill by approximately 30%. It was our advice to the farmer that he give strong consideration to acceptance of this offer.

2.

A farmer contacted our office expressing a concern that reclamation procedures on an abandoned well site on his rented property were not satisfactory. He also indicated that monies were owed to him for additional work that was required on the site, prior to the seeding of a crop.

He further indicated a Chairman's Certificate had been issued. This certificate differs from a reclamation certificate, which is normally issued after an inquiry has taken place and the Council is of the opinion the surface of the land is in satisfactory condition. A Chairman's Certificate is issued if sufficient evidence is supplied to the chairman to indicate that the owner or occupant, as the case may be, has consented to the surrender or termination of the surface lease or right of entry order. The chairman may, before an inquiry is held by the Council, issue a reclamation certificate.

Our investigation revealed that a Chairman's Certificate had indeed been issued by the Land Conservation and Reclamation Council. The certificate had been signed by the complainant's parents, as owners of the land, and a sum of money accepted by them to cover miscellaneous costs.

A note had also been included in the company's file that the complainant had been contacted at this time and indicated his approval of the site.

Further, after issuing the Chairman's Certificate, the Land Conservation and Reclamation Council had issued a further reclamation order to the company requesting that weeds be cut and more rocks picked. The company had arranged with the complainant to cut the weeds and had paid him for the work.

Our advice to the farmer was that, in view of the certificate signed by the landowner and the monies paid by the company, our office could be of no further assistance.

He was advised that he had the option of pursuing his claim through Small Claims Court. A brochure on Small Claims Procedures was included in our final correspondence to the farmer.

3.

An area of continuing concern for the office has been in the area of county tax assessment. A widow contacted our office over a substantial increase in her farm taxes.

Since her husband's death the complainant had continued to live on the farm but rented the land to a neighbor. With the low grain prices of the mid 1980's, the complainant had to reduce the cash rent she charged the lessee of her land by almost half.

She was subsequently contacted by the county and informed that she earned insufficient income from the farming operation to be classified as a farmer. The result being that her taxes took a substantial hike after her reclassification on the tax role as a non farmer.

The complainant's late husband and his family had held this farm since the very early 1900's.

The Farmers' Advocate's discussion with the county resulted in their reversal of the decision to tax the complainant on a non farmer basis.

4.

Our office was contacted by a farmer after he had been approached by those responsible for a community drainage project. They sought his permission to install a water flow measurement device in a creek traversing his property.

The farmer sought reassurance that he would be neither flooded or dried out in his section of creek. He also felt that additional compensation should be his, possibly on the same basis as a pipeline right-of-way.

The Farmers' Advocate's office met with all municipal and government departments involved and found that control of the creek would, in fact, be enhanced.

Some earth work was also arranged for the farmer as a goodwill gesture, in return for his permission to install the measuring device.

5.

A farmer contacted our office concerning a dispute with a neighbor over fence line locations, rock removal, etc. He further cited his need for the opening of a road which was part of an old county road plan, as a diversion around a lake. The road plan was also adjacent to the neighbor's building site. Other complaints were listed relating to the neighbor.

The Farmers' Advocate met with all parties to the dispute. These included the complainant, his neighbor, local municipal officials and personnel from Alberta Public Lands. Alberta Public Lands were involved because the fence line dispute centered on a quarter section of Crown lease.

Our investigation revealed a neighborhood feud of long standing and a total absence of goodwill between the neighbors. The farmer who had complained to our office was, in fact, the author of much of the difficulty and had failed to communicate all the facts of the case.

After a thorough investigation of the area and a meeting held with all parties present, the Farmers' Advocate provided written recommendations and observations to all parties.

Some of the immediate problems with fence lines, etc., were resolved but with the absence of goodwill between the neighbors, the office felt that the animosity may surface again over other issues.

6.

Several Alberta rural gas co-ops requested the involvement of the Farmers' Advocate's office after they were approached by a railway company for an increase in the annual compensation paid for their railway right-of-way crossings.

Our investigation was conducted in conjunction with the Federation of Alberta Gas Co-ops Ltd. It revealed that the amount charged by a major railway company for rural service pipeline crossings was, at present, $30.00 per annum. This was comparable to charges levied by other railway companies for similar services.

The railway company in question proposed to charge the co-ops $1,250.00 annually. This was an increase of almost 42 times the current rate. To substantiate their claim for this increase, the company sited liability insurance costs, inspection and maintenance costs, etc.

Several meetings were held with officials of the railway company and executive members of the Federation of Alberta Gas Co-ops Ltd.

Close examination of the railway costing figures revealed that the cost base supporting their increases could not be substantiated.

Liability insurance on the railway crossings were, in fact, covered by the gas co-op through their Federation. Further, there were no mandated inspections under the Railway Act. The Act made reference only to original construction and material specifications.

Signs to identify gas pipeline crossings were to be maintained by the gas co-ops.

After some discussions, the railway company in question made the decision to carry on with the $30.00 annual rental. At the writing of this report, the proper contracts should have been completed.

The gas co-ops were advised by the Farmers' Advocate to ensure these crossings were properly maintained and the signs should face in toward the railroad.

7.

A group of farmers in one of the dry areas of Alberta, requested a meeting with our office concerning a community artesian well.

The well, located near the edge of one county, serviced a portion of the water needs for residents of two other counties.

The water was of good quality, abundant and was used extensively in the high summer use period.

The head of the well was housed and heated. This resulted in some costs to the county. The county was seeking to recover costs of operation of the well by installing a coin metering system similar to other county locations. In lieu of this, the county had requested the farmers to take over the operation of the well themselves.

The farmers, on the other hand, felt that operation of the well should continue as it had in the past since this was a natural artesian flow. Apparently other metered water sources in the county depended on purchased water from towns or irrigation supplies.

The Farmers' Advocate met with the county, the farmers and Alberta Environment. The result was that Alberta Environment, under its Water Supplies Assistance Program, covered the expense of changes to the wellhead to reduce maintenance costs. The farmers took over the operation of the well and the county continues to cover the costs of power, etc.

8.

In late summer of 1988 a landowner contacted our office for assistance with a claim he had against a seismic company. The problem began when the geophysical company cut a wire fence, letting his horses loose. The landowner spent several days searching for the 19 animals that had gone astray in a heavily bushed area. Only 17 were found. He informed the seismic company of his loss of two horses and, in July, sent them an invoice for the value of the horses and his time spent searching.

When the landowner later inquired about payment due to him, the seismic company stated the claim had been forwarded to the insurance company for processing.

In September our office contacted the seismic operator who informed us an adjuster was investigating the claim. In October the operator was again contacted and again informed our office the claim was presently being processed. Upon checking with the insurance company about the claim, we learned the claim had not yet been submitted to them.

Our office confronted the operator who admitted the claim had just been sent to the insurance agency, who in turn forwarded it to the insurance underwriters. An adjuster was engaged to ascertain the extent of the claim and his report to the insurance company was favorable to the complainant.

At the time of writing, our office has been informed by the adjuster the claim has been approved and a cheque sent to the claimant for the full amount of claim.

9.

A reclamation officer contacted our office about a landowner who had an oil well drilled on her property three years ago. The well turned out to be dry. He indicated a reclamation certificate had not yet been issued nor had the annual compensation payments been paid for the last two years.

Our office contacted the landowner and explained the Surface Rights Act and the right to annual compensation until a reclamation certificate had been issued by the Land Conservation & Reclamation Council.

We then spoke with the land manager of the oil company. He believed because the landowner had signed a release in May of 1986 to the company, they were no longer required to make further compensation payments.

The landowner then sent a letter to the Surface Rights Board applying for compensation under Section 39 of the Surface Rights Act. The Board's response was similar to the company's. The Board considered the signed release as a consent for termination of the surface lease even though a reclamation certificate had not yet been issued.

Further discussion between our office and the land manager took place and the company finally agreed to pay the landowner. The basis of the payment was for crop loss and time spent reseeding. The landowner was satisfied with the settlement received.

10.

A farmer contacted our office regarding a Service Plan he had purchased in August, 1987 for his new 1986 Ford ½ ton truck. He had been issued a five year plan by Ford of Canada, though he was sold a six year plan for $1,075.00 by his dealer.

He contacted his dealer who explained the mistake: the six year plan, the plan sold, was only available for 1987 units, while 1986 units were to be sold the five year plan. The dealer informed the truck owner that Ford of Canada would send him a refund of $115.00, the difference in cost between a five year and a six year plan.

The truck owner contacted Ford who subsequently refused to refund the $115.00, claiming responsibility was solely with the dealer who had sold the plan.

Our office contacted the dealer who refused to comply with Ford's claim. We then contacted the Customer Relations Department of Ford of Canada, in Oakville, Ontario, asking them to reconsider their position.

After a period of communicating with representatives of the Customer Relations Department, they agreed to reverse the earlier decision of refusal and issue a refund to the truck owner.

It is interesting to note the Ford dealer involved has since been charged with fraud for forging signatures of customers on rebate claims submitted to Ford Canada.

11.

In early summer, a farm couple who operate a feedlot wrote to us about a longstanding problem they were experiencing with an oil company.

About the middle of November, 176 feeder calves were brought into the feedlot. Before the cattle had time to settle down in their new environment a loud noise in the late afternoon, possibly a backfire from the nearby gas plant, allegedly caused the calves to stampede and break out of their pen.

We were advised that 155 calves escaped and scattered in every direction. A considerable amount of time was spent over a period of several days, locating and returning most of the animals to the feedlot. Three calves remained missing and an aircraft was engaged to locate the missing animals but to no avail.

The gas plant operator initially admitted the likelihood of an explosion from the plant was a distinct possibility. They had been experiencing back fire problems from time to time. The farmers were advised to submit an invoice for the time spent recovering the calves. The company made an offer of settlement but the offer was rejected by the feedlot operator as being too low. It did not cover the costs of rounding up the missing calves or provide compensation for calves injured in the process of being rounded up. Because no one witnessed the incident, the company indicated it may not be responsible. Consequently, they indicated that their offer of compensation would not be increased.

Attempts were made by our office to effect a settlement. A meeting was scheduled at the home of the plant operator with all the parties involved. After considerable debate between the two parties, our office proposed a settlement.

Since the source of the noise, which caused the calves to break loose was not known for certain, both parties agreed to accept 50% of the loss. As additional recompense the company compensated the farmers for search time.

The plant operator indicated they were going to monitor the plant more closely and if anything unusual happened or any sign of a problem developed, he wanted to be called immediately.

12.

An acreage owner, located adjacent to a highway widening project, complained to our office about flooding of some of her land. She alleged the road project had caused the water level to rise on her property. As a consequence, damage to the pasture resulted. There was also a considerable devaluation of her property. Attempts by her to reach a settlement with Alberta Transportation were unsuccessful.

Our office arranged a meeting at the site in late fall, with all the parties involved, to determine the validity of the claim and the extent of damages.

At the site inspection, everyone agreed there was, in fact, a raising of the water level which did cause some pasture to be flooded. This, in turn, reduced the amount of feed available to the horses.

The road engineer assured the owner the road work was nearly complete. A drainage ditch had been constructed to lower the level of water in the surrounding area to the original levels.

Our office proposed a settlement based on the damage to the land, cost of reclamation and cost of replacement feed for the horses.

Alberta Transportation would accept the proposal in exchange for a signed release from the claimant, but the acreage owner refused because it was felt the settlement was too low. Her assessment of damages was considerably more and a counter offer was submitted which was turned down by Alberta Transportation.

In view of the fact that a large disparity existed between the two pasties insofar as their assessment of the value of damages was concerned, our office withdrew from the case on the basis that we did not consider a mediated settlement possible.

13.

Complaints received from a farmer concerning his unhappy situation with a resource company created animosities regarding a lease road.

The company was continually leaving the gate open and it appeared that the general public used the road at their convenience. In addition, the road was in a hay field, which at times was used by company personnel. This made the field difficult to harvest due to the ruts.

After consultation with the resource company, compensation was given to the farmer for the ruts made, a double lock was put on the gate, and the road posted as a private road.

14.

Land was requested from a farmer by a trust company as further security on the defaulted loan on a truck.

The Farmers' Advocate was able to arrange an extension of the loan as well as having the loan rewritten at a lower monthly rate.

15.

Contracts with finance companies should be scrutinized very carefully before being signed.

The Farmers' Advocate was contacted by a farmer who had signed a finance contract for a piece of farm equipment at a higher rate of interest than other contracts signed during the same period. The dealer, who sold the equipment and wrote up the contract, had discontinued his business and could not be held responsible for the high rate.

The finance company refused to reduce the interest rate, stating that it was the responsibility of the dealer. The Farmers' Advocate advised the farmer that additional service could not be rendered.

16.

It is advisable to obtain verbal commitments in writing, wherever possible, in order to reduce the opportunity of misunderstandings at a later date.

A farmer, who lost his land to a financial institution because of non payment of his loan agreement, was able to rent the land in order to maintain his income. He approached the financial institution with a request to do fall work with the possibility of renting the land the next year. The farmer indicated receiving verbal permission to do the fall work, which he did forthwith.

During the winter the land was sold with the consequence that the farmer requested payment from the financial institution for the fall field work. Our investigation revealed no contractual evidence to support the farmer's request.

Since the Farmers' Advocate could be of no further assistance, we advised the farmer that he should give consideration to approaching the Ombudsman of Alberta with his complaint.

17.

A complaint was received from a farmer regarding the attachment of liens. In particular, a builders' lien had been attached by a pipeline company, to land owned by him. Our investigation of these liens, through lawyers and banks, resulted in relieving the anxiety of the farmer. It was further established that the liens were only made to protect the interest of the pipeline company and would not affect the financial credit of the farmer.

18.

During the course of the year an advertisement, placed in a western farm paper by an Ontario resident, came to the attention of the Farmers' Advocate's office. Central to the ad was that for the sum of $20.00 farmers would receive an instruction package describing how they could obtain non-repayable government funding.

Subsequent to a number of inquiries by the office, contact was made with the Canada Employment and Immigration Commission. An investigation by the R.C.M.P. Commercial Crime Section resulted in charges being laid against a disbarred Ontario lawyer.

The individual in question advocated that farmers establish conditions on their farm which would result in payments being made to them under the terms of the Unemployment Insurance Act.

Charges were laid by the R.C.M.P., Commercial Crime Section and the perpetrator was brought to trial.

19.

A farmer contacted our office concerning a contract he had entered into with an elevator company relating to the forward pricing of grain.

This past summer saw a drought driven canola market rise in price on the future's market to almost twice the price it had been six months previously.

The farmer had forward priced his canola about halfway through the price rise and was feeling great discomfort when prices rose to their 1988 highs.

Upon reviewing the farmer's contract, it was obvious that there was nothing in error, or of a fraudulent nature, involved. The farmer had given his word to deliver a certain quantity of rape at an established time and price.

The farmer had considered trying to break the contract on the basis of misinformation by the grain company agent.

Investigation revealed that the farmer was familiar with forward pricing and had used this mechanism for a number of years.

The farmer was advised that he had, of his own free will, entered into a legal and binding contract with the grain company and that, had the price of canola gone down, he would have expected them to honor the contract. His options were then to deliver as specified in the contract or purchase his contract back from the company.

As matters worked out, by the time the investigation was over, the price of canola was off approximately $100.00 per tonne from its high so that the repurchase of the contract was much less painful for the farmer.